

Atty. Docket No.: 74120-301406
Serial No.: 09/843,787

PATENT

REMARK

The Applicant respectfully requests reconsideration of this application as amended. In this amendment, Applicant has amended claims 1, 4-9, 15-18, 20, 22, and 23. No claims have been cancelled. Claims 2-3, 10-14, 19 and 21 remain unchanged by this amendment. Claims 24-31 have been added. Hence, claims 1-31 remain pending in this application after entry of this amendment. Applicant submits that no new subject matter has been added by these amendments.

CLAIM OBJECTIONS

The Examiner has objected to claims 15-21 indicating it was unclear as to where the location of a second endpoint is with respect to the first endpoint, the packet network, the gateway or the call screening database device. Claim 15 has been amended to overcome this objection.

CLAIM REJECTIONS – 35 U.S.C. § 102

In the Office action, the Examiner rejected claims 1-9, 13-18, and 22-23 under 35 U.S.C. 102(e) for allegedly being anticipated by U.S. Pub. No. 2002/0112073 of McLampy et al (hereafter "MeLampy"). The undersigned respectfully disagrees with the Examiner's characterization of MeLampy and points out several distinctions between the claimed subject matter and the teachings of MeLampy.

As presently understood by the undersigned, MeLampy generally relates to controlling real-time transport protocol flow through multiple networks via media flow routing. The route information, if not discarded, is compared to a local policy. (abstract) A policy comprises one or more origin addresses sharing one or more destination addresses, a common next hop, and one or more carriers. ([0070]) Policies are stored on session routers. ([0071]) Policies comprise data

Atty. Docket No.: 74120-301406
Serial No.: 09/843,787

PATENT

objects which are used to organize and manage relationships with upstream and downstream networks, define administrative abilities for users that are trying to modify or configure a session router, describe session routers that are adjacent to the present session router, describes a configuration for a specific session router, further provide any text related to the session router, describe a specific SIP endpoint, provide an array of carrier names, and define a collection of one or more SIP agents. ([0071]-[0079]) Furthermore, not all policies are to be shared externally. To test whether a policy is to be shared externally, policy screens are checked to make sure as to whether the policy is to be shared externally or accepted from an external ITAD. ([0114] and Fig. 7) Outbound policy screening is a tool for controlling which policies are exported. ([0523])

The undersigned agrees with the Examiner's comment on page 7 of the Office action that McLampy does not disclose: (1) the received request includes a dialed number, and determining a response to the received request includes: (2) determining whether the received request is permitted; and (3) creating a response number using the dialed number and the received request. In addition, the undersigned believes McLampy does not teach or reasonably suggest at least call screening.

With this brief overview of McLampy, the undersigned now submits the following arguments to point out significant differences between the invention as claimed by the Applicant and McLampy.

Regarding claim 1, the Examiner on Page 3 of the Office action refers to the policy screen in McLampy as teaching the call screening function referred to in claim 1 of the Applicant's invention. The undersigned understands McLampy teaching of policy screen as a way to decide which policy is to be shared externally or accepted from an external ITAD. ([0114] and Fig. 7) The Examiner is respectfully referred to Page 5 of the present application where the functionality of call screening is defined as: "Call screening allows gatekeeper 2010 to decide: (1) whether an inbound call to a particular called number (DID) is to be allowed into the network; (2) whether the called number should be translated into a different called number; and (3) whether a routing index

Atty. Docket No.: 74120-301406
Serial No.: 09/843,787

PATENT

should be included in the called number to indicate the destination of the call." Claim 1 has been amended herein to clarify the claimed call screening processing. Hence, call screening as claimed and policy screening are not the same thing. For at least this reason, claim 1 and its dependents are distinguishable over MeLampy.

Regarding claim 15, the Examiner on Page 5 equates the policy screen of MeLampy with the call screening database of the Applicant's invention as recited by claim 15. For the reasons discussed with reference to claim 1, claim 15 and its dependents are distinguishable over MeLampy.

CLAIM REJECTIONS – 35 U.S.C. § 112

The Examiner rejected claims 1-14 under 35 U.S.C. 112 for being unclear what is intended to be the claim limitation by reciting "a processor operable to receive a request from the gatekeeper through the one or more communication devices wherein the gatekeeper receives". Claim 1 has been amended to more clearly claim subject matter of the invention and overcome this rejection. Since claims 2-14 are dependent upon claim 1, these claims have also overcome this rejection.

CLAIM REJECTIONS – 35 U.S.C. § 103

The Examiner rejected claims 10-11 and 19-21 under 35 U.S.C. 103(a) as being allegedly unpatentable over MeLampy in view of U.S. Pub. No. 2002/0101860 of Thornton et al (hereafter "Thornton"). The undersigned respectfully disagrees with the Examiner's characterization of MeLampy and Thornton and points out several distinctions between the claimed subject matter and the teachings of MeLampy and Thornton.

Atty. Docket No.: 74120-301406
Serial No.: 09/843,787

PATENT

As presently understood by the undersigned, Thornton generally relates to a telephony gateway, which acts as an entity within an H.323 environment, that dynamically switches a call alternately between the data network and the PSTN based on real-time measurements of QoS. ([0022] and [0028]) Once a telephone call has been initially routed to either the PSTN or the data network, then, should the QoS of a connection through the data network change, the call will be automatically switched to and routed through the other network, with the switching dynamically changing, during the duration of the call. ([0023]) The automatic switching of telephone calls between the PSTN and the data network is accomplished by establishing call-specific information for each call, including a unique call identifier (CallId), and Calling and Called Flags and communicating that information between themselves during call setup. The CallId distinguishes that call from any other that is being handled by either gateway such that these two peered gateways can switch this particular call between the PSTN and the data network as needed. ([0026]) Consequently, the undersigned believes Thornton does not teach or reasonably suggest call screening as recited by the claims as amended.

At least as described above, McLampy teaches the functionality of a policy screens is to check and make sure whether the policy is to be shared externally or accepted from an external ITAD. ([0114] and Fig. 7) Consequently, the combination of McLampy and Thornton is no more relevant to call screening than either taken alone. Claims 10, 11, and 18-21 are distinguishable over both McLampy and Thornton since claims 10 and 11 depend on claim 1, and claims 19-21 depend on claim 15 and both claims 1 and 15 are distinguishable over both McLampy and Thornton as discussed above.

ALLOWABLE SUBJECT MATTER

The Examiner indicated claim 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and to include all of the limitations of the base claim and any intervening claims. Claim 29 is claim 12 rewritten to overcome the rejection and

Atty. Docket No.: 74120-301406
Serial No.: 09/843,787

PATENT

include all of the limitations of the base claim and all intervening claims and is thus in condition for allowance.

CLAIMS

New Claims

By this amendment, eight new claims, claims 24-31, have been added to claim additional novel aspects of the present invention and round out the depth of the claim coverage. Applicant respectfully submits that new claims 24-31 are allowable over the combination of references relied upon by the examiner for at least the reasons discussed above with reference to claims 1 and 15. Applicant submits that no new matter has been added by the addition of the new claims.

Claim Amendments

Applicant has amended some of the claims to more clearly claim subject matter of the invention. Applicant submits that these amendments are for clarification purposes only, and do not limit or narrow the claims in any way. Indeed, in some instances, the amendments broaden the claims. In any event, Applicants submit that the claims still are allowable over the prior art, and thus Applicants respectfully request the Examiner to promptly issue a Notice of Allowance.

CONCLUSION

Applicant respectfully submits that the amendment and remark have overcome the rejections, and that the pending claims are in condition for allowance. Accordingly, Applicant requests that the rejections be withdrawn and that a Notice of Allowance be issued for claims 1-31.